



THE CITY OF NEW YORK
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April 30, 2024

VIA ECF

The Honorable Peggy Kuo
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza
New York, NY 10007

Re: Baptiste v. City of New York, et al., 24-CV-00798 (PK)

Your Honor:

I am a Senior Counsel in the office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney for defendant the City of New York in the above referenced matter.¹ Defendant writes today to respectfully request a sixty day *nunc pro tunc* extension of time to answer or otherwise respond to the Complaint from April 12, 2024 to June 11, 2024. Defendant also respectfully requests a corresponding extension to file the Proposed Discovery Plan from May 10, 2024 to July 9, 2024, and an adjournment of the Initial Case Management Conference from May 17, 2024 to July 16, 2024, or a date otherwise convenient for the Court. These are the first such extension requests, and plaintiff counsel consents to these requests. The requested extensions do not affect any other deadlines.

By way of background, plaintiff filed the Complaint in this action on February 5, 2024, alleging, *inter alia*, claims of false arrest and illegal imprisonment arising out of a December 22, 2021 incident involving John Doe Police Officers. (See ECF No. 1) The City was served on March 22, 2024, making its answer due by April 12, 2024.

There are multiple reasons for an extension of time. First, the undersigned was recently assigned to this matter. Additionally, before the City can answer, or otherwise respond to the Complaint, in accordance with this Office's obligations under Rule 11 of the Federal Rules of Civil Procedure, this Office needs time to investigate the allegations set forth in the complaint.

¹ This case has been assigned to Assistant Corporation Counsel Mamoon Saleemi, who is admitted to the New York State Bar and is preparing his application for admission to the Southern District of New York. Mr. Saleemi is handling this matter under supervision and may be reached directly at (212) 356-2384 or by email at msaleemi@law.nyc.gov.

Furthermore, because plaintiff has alleged physical injury as a result of the events complained of, this Office has forwarded to plaintiff for execution a consent and authorization for the release of medical records, limited at this juncture, to records concerning treatment received as a result of the alleged incident, so that defendant City can properly assess the case and respond to the Complaint.

Additionally, the Court has scheduled the Initial Conference in this matter for May 17, 2024, at 10:00 a.m. (See ECF No. 4). The Court also directed the parties to file a joint Proposed Discovery Plan by May 10, 2024. (See id.) Given that the City needs additional time to investigate the claims alleged in the Complaint, the City respectfully requests that the Court adjourn the Initial Conference from May 17, 2024 to July 16, 2024. The City also respectfully requests that the Court grant a corresponding extension for the parties to file the joint Proposed Discovery Plan from May 10, 2024 to July 6, 2024. The undersigned has conferred with counsel for plaintiff and he is available on this date.

Therefore, defendant respectfully request an *nunc pro tunc* extension of time to answer or otherwise respond to the Complaint from April 12, 2024 to June 11, 2024. Defendant also requests that the Court grant an extension of time for the parties to file the joint Proposed Discovery Plan from May 10, 2024 to July 9, 2024. Finally, defendant respectfully request that the Court adjourn the Initial Conference from May 17, 2024, to July 16, 2024, or a date otherwise convenient for the Court. Thank you for your consideration herein.

Respectfully submitted,

/s/

John Schemitsch
Senior Counsel
Special Federal Litigation Division

cc: **VIA ECF**
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